

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN WHITFIELD,

Plaintiff,

v.

KHALIB SALEH, et al.,

Defendants.

Case No. 1:22-cv-00141-KES-CDB

ORDER ADOPTING IN PART FINDINGS
AND RECOMMENDATIONS AND
DISMISSING ACTION

Doc. 44

Plaintiff Steven Whitfield, proceeding pro se and in forma pauperis, brings claims under the American with Disabilities Act (“ADA”) and state law, alleging that, as an individual “with significant related mobility,” he was denied “the full and equal enjoyment of goods [and] services” at CaliMex Supermarket (“CaliMex”). Doc. 1. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 6, 2025, plaintiff filed a motion for leave to amend his complaint.¹ Doc. 37. On June 12, 2025, the magistrate judge screened plaintiff’s initial complaint and found that it failed to state an ADA claim and failed to set forth why the Court should exercise supplemental

¹ Plaintiff also lodged a proposed first amended complaint on May 6, 2025. Doc. 38. However, as plaintiff notes, the only change in that lodged first amended complaint was adding as a defendant the alleged lessee of CaliMex, Alghaity Abdullah Corporation. *See* Docs. 37, 38. Plaintiff failed to file an amended complaint addressing the issues identified in the magistrate judge’s June 12, 2025 screening order, despite the screening order giving him leave to do so.

1 jurisdiction over plaintiff's Unruh Act and related state law claims. *See generally* Doc. 43. The
2 magistrate judge granted plaintiff's motion for leave to file an amended complaint and provided
3 plaintiff twenty-one (21) days to do so. *Id.* at 17. Plaintiff failed to file an amended complaint or
4 otherwise respond to the screening order.

5 On July 11, 2025, the magistrate judge issued findings and recommendations
6 recommending that plaintiff's complaint be dismissed for failure to state a claim, failure to obey a
7 court order, and failure to prosecute the action. Doc. 44. Specifically, the magistrate judge found
8 that plaintiff failed to adequately plead standing to bring an ADA claim because his generalized
9 and conclusory allegations did not adequately support the contention that he was deterred from
10 returning to CaliMex. *Id.* at 8–10. The magistrate judge also recommended that the Court
11 decline to exercise supplemental jurisdiction over plaintiff's state law claims. *Id.* at 11–15. The
12 findings and recommendations were served on plaintiff and contained notice that any objections
13 thereto were to be filed within fourteen days of service. *Id.* at 8. Plaintiff has not filed any
14 objections and the time to do so has passed.

15 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of
16 this case. After carefully reviewing the file, the Court finds that the findings and
17 recommendations as to plaintiff's failure to state a claim are supported by the record and proper
18 analysis. This action is dismissed as the complaint fails to state a cognizable claim for relief.
19 The screening order provided plaintiff with the opportunity to file an amended complaint
20 addressing the issues identified in the screening order but plaintiff elected not to do so. The
21 proposed amended complaint that plaintiff lodged on May 6, 2025, prior to the screening order,
22 also fails to state a claim for the same reasons as the initial complaint. As further amendment
23 would be futile, plaintiff's complaint is dismissed without leave to amend.

24 ///

25 ///

26 ///

27 ///

28 ///

1 Accordingly:

- 2 1. The findings and recommendations issued on July 11, 2025, Doc. 44, are adopted
3 in part as set forth above;
- 4 2. This action is dismissed for failure to state a cognizable claim for relief;
- 5 3. Defendants Kimberly Long and Darrell Long's motion to dismiss, Doc. 23, is
6 denied as moot; and
- 7 4. The Clerk of the Court is directed to terminate all pending motions and close this
8 case.

9
10
11 IT IS SO ORDERED.

12 Dated: August 6, 2025



UNITED STATES DISTRICT JUDGE